

## Message Text

UNCLASSIFIED

PAGE 01 GENEVA 02241 020920Z

43

ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 OFA-01 TRSE-00 OIC-02 AF-06

ARA-10 EA-10 EUR-12 NEA-09 FEA-01 ACDA-10 AGR-10

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00

DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02 H-02

INR-07 INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-02

OES-05 OMB-01 PA-02 PM-03 PRS-01 SP-02 SS-15 USIA-15

/183 W

----- 067462

R 020816Z APR 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 1770

UNCLAS GENEVA 2241

FROM USDEL LOS

FOR D/LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: COMMITTEE II INFORMAL "BLUE PAPERS"

1. SMALL WORKING GROUPS OF COMMITTEE II PREPARING  
INFORMAL "BLUE PAPERS" IN EFFORT TO COMBINE TEXTS OF  
COMMITTEE II MAIN TRENDS PAPER (A/CONF.62/C.2/WP.1). PAPERS  
HAVE LITTLE IMPACT COMPARED TO EVENSEN PAPERS BUT MUST BE WATCHED.

2. TESTS OF C.2 BLUE PAPER NO.1 AND 2 AS FOLLOWS:

QUOTE BAYS AND OTHER HISTORIC WATERS

ARTICLE ...

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 02241 020920Z

FOR A BAY TO BE CONSIDERED AS HISTORIC EACH OF THE

FOLLOWING REQUIREMENTS MUST BE MET:

(A) THAT THE COASTAL STATE CLAIMING IT TO BE SUCH HAS POSSESSED THE WATERS OF THE BAY IN QUESTION CONTINUOUSLY, PEACEFULLY AND FOR A LONG TIME, BY EXCLUDING VESSELS AND FISHERMEN OF OTHER STATES, PURSUANT TO LAWS, REGULATIONS, AND REPEATED AND CONTINUOUS PUBLIC PROVISIONS;

(B) THAT THIS PRACTICE IS EXPRESSLY OR TACITLY ACCEPTED BY THIRD STATES, AND IN PARTICULAR BY NEIGHBOURING STATES;

(C) THAT IT IS ABSOLUTELY NECESSARY FOR THE COASTAL STATE TO HAVE FULL POSSESSION OF THE BAY FOR REASONS OF DEFENCE OR OF ECONOMIC INTERESTS PECULIAR TO THE ZONE THE EXISTENCE AND IMPORTANCE OF WHICH ARE CLEARLY CONFIRMED BY LONG USE.

ARTICLE ...

AN HISTORIC BAY MAY BE CLOSED BY THE COASTAL STATE BY MEANS OF A STRAIGHT CLOSING LINE ACROSS ITS MOUTH FROM THE NATURAL ENTRANCE POINTS OF THE BAY IN QUESTION ("INTER FAUCES TERRARUM") AND THE WATERS ENCLOSED BY THE COAST AND THE SAID LINE SHALL BE CONSIDERED AS INTERNAL WATERS.

ARTICLE ...

A BAY WHOSE COASTS BELONG TO TWO OR MORE STATES AND WHICH MEETS THE REQUIREMENTS LAID DOWN IN ARTICLE ... SHALL BE REGARDED AS HISTORIC ONLY BY AGREEMENT BETWEEN THE COASTAL STATES. SUCH AGREEMENT SHALL SPECIFY THE CLOSING LINE OF THE BAY AND THE LIMITS OF THE RESPECTIVE MARITIME SPACES.

THE COASTAL STATE OR STATES SHALL NOTIFY THE INTERNATIONAL HYDROGRAPHIC BUREAU OF THE AGREEMENT OR AGREEMENTS MENTIONED IN THE PREVIOUS PARAGRAPH AND SHALL MARK THEM ON THE LARGE-SCALE CHARTS PREPARED BY THE RESPECTIVE STATES. IN THE ABSENCE OF SUCH NOTIFICATION THE REGIME OF HISTORIC BAYS SHALL NOT BE APPLICABLE TO THE BAY IN QUESTION.

ARTICLE ...

THE FOREGOING PROVISIONS SHALL APPLY MUTATIS MUTANDIS TO THE RECOGNITION OF HISTORIC WATERS OTHER THAN BAYS. THE COASTAL STATE MAY CLAIM SUCH WATERS AS INTERNAL WATERS OR AS TERRITORIAL SEA, DEPENDING ON THE TYPE OF JURISDICTION IT HAS EXERCISED OVER THEM.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 02241 020920Z

BAYS

1. A BAY IS A WELL-MARKED INDENTATION WHOSE PENETRATION IS IN SUCH PROPORTION TO THE WIDTH OF ITS MOUTH AS TO CONTAIN LAND-LOCKED WATERS AND CONSTITUTE MORE THAN A MERE CURVATURE OF THE COAST. AN INDENTATION SHALL NOT, HOWEVER, BE REGARDED AS A BAY UNLESS ITS AREA IS AS LARGE AS, OR LARGER THAN, THAT OF THE SEMI-CIRCLE WHOSE DIAMETER IS A LINE DRAWN ACROSS THE MOUTH

OF THE SAID INDENTATION.

2. FOR THE PURPOSE OF MEASUREMENT, THE AREA OF AN INDENTATION IS THAT LYING BETWEEN THE LOW-WATER MARKS OF ITS NATURAL ENTRANCE POINTS. WHERE, BECAUSE OF THE PRESENCE OF ISLANDS, AN INDENTATION HAS MORE THAN ONE MOUTH, THE SEMI-CIRCLE SHALL BE DRAWN ON A LINE AS LONG AS THE SUM TOTAL OF THE LENGTHS OF THE LINES ACROSS THE DIFFERENT MOUTHS. ISLANDS WITHIN AN INDENTATION SHALL BE INCLUDED AS IF THEY WERE PART OF THE WATER AREA OF THE INDENTATION.

3. IF THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE NATURAL ENTRANCE POINTS OF A BAY DOES NOT EXCEED 24 MILES, A STRAIGHT CLOSING LINE MAY BE DRAWN BETWEEN THESE TWO LOW-WATER MARKS, FROM WHICH THE BREADTH OF THE TERRITORIAL SEA SHALL BE MEASURED, AND THE WATERS ENCLOSED THEREBY SHALL BE CONSIDERED AS INTERNAL WATERS.

4. WHERE THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE NATURAL ENTRANCE POINTS OF A BAY EXCEEDS 24 MILES, A STRAIGHT BASE-LINE OF 24 MILES MAY BE DRAWN WITHIN THE BAY IN SUCH A MANNER AS TO ENCLOSE THE MAXIMUM AREA OF WATER POSSIBLE WITH A LINE OF THAT LENGTH.

5. BAYS WHOSE COASTS BELONG TO TWO OR MORE STATES AND WHICH MEET THE CONDITIONS STATED IN PARAPRAPHS 1, 2, 3 AND 4, MAY ONLY BE CLOSED AS INDICATED THEREIN BY AGREEMENT BETWEEN THE SAID STATES. THE SAID AGREEMENT MUST COVER THE CLOSING LINE AND THE DELIMITATION OF THE RESPECTIVE MARITIME SPACES.

6. THE PROVISIONS OF PARAGRAPHS 3 AND 4 SHALL NOT APPLY TO SO-CALLED "HISTORIC" BAYS. UNQUOTE

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 02241 020920Z

3. DELEGARION HAS SERIOUS PROBLEMS WITH WP1 AND PARAGRAPH 5 WP 2. IN PARTICULAR, REFERENCE TO BAYS BORDERED BY MORE THAN ONE STATE AND TO OPEN-ENDED "HISTORIC WATERS" ARE CLEARLY UNACCEPTABLE. REQUEST D/LOS COORDINATE OTHER PROVISIONS REGARDING BAYS, HISTORIC BAYS, AND DEFINITION OF HISTORIC BAYS. DALE

UNCLASSIFIED

NNN



## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, COMMITTEE MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA02241  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750113-0975  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750490/aaaadehb.tel  
**Line Count:** 160  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION DLOS  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 24 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <24 JUN 2003 by SilvaL0>; APPROVED <08 JAN 2004 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS: COMMITTEE II INFORMAL "BLUE PAPERS"  
**TAGS:** PLOS  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006